

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3349

By: Dollens

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6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 providing legislative findings; defining terms;
9 requiring phlebotomy certification training program;
10 providing for waiver; providing state requirements;
11 providing for approval of phlebotomy certification
12 training program; requiring training guidelines;
13 providing qualifications; listing guidelines for
14 teaching of phlebotomy certification training
15 program; providing for issue of certificate;
16 requiring maintenance of training records for certain
17 time period; requiring employer to retain copy of
18 certification; providing for codification; and
19 providing an effective date.

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25 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

26 SECTION 1. NEW LAW A new section of law to be codified
27 in the Oklahoma Statutes as Section 2073 of Title 59, unless there
28 is created a duplication in numbering, reads as follows:

29 The Legislature finds that although most health care
30 professionals are required by the State of Oklahoma to maintain
31 standardized levels of education and training, as regulated through
32 licensure requirements, there is currently no such requirement for
33 phlebotomy technicians. Becoming a phlebotomist in Oklahoma has

1 typically consisted of on-the-job training in what health care
2 professionals refer to as "See One, Do One, Teach One", whereby the
3 employee-trainer often transfers his or her own poor technique and
4 procedural errors to the employee-trainee.

5 A phlebotomist is often the first health care professional to
6 perform an invasive procedure on the patient, and an improperly
7 performed phlebotomy procedure reflects poorly upon the entire
8 health care facility and its staff. An inadequately trained
9 phlebotomist is a hazard to himself or herself and others within the
10 health care facility, increasing the risk of needle-stick injury and
11 infection, and can be an agent for the spread of infection to the
12 entire community. It is commonplace for an inadequately trained
13 phlebotomist to perform multiple unnecessary phlebotomy procedures
14 on a patient in an attempt to obtain one test specimen. Improperly
15 performed phlebotomy procedures can contribute to the spread of
16 nosocomial infection, traumatize or seriously injure the patient,
17 produce erroneous test results, lead to misdiagnosis, and even
18 direct the physician toward an ineffective course of treatment.
19 Delaying appropriate treatment increases the cost of health care,
20 putting an additional burden on patients, providers of health care
21 insurance, and the Medicaid and Medicare systems.

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 2074 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

1 As used in this act:

2 1. "Certified phlebotomy technician" means an individual who
3 performs phlebotomy procedures and has met recognized minimum
4 training and certification standards;

5 2. "Indwelling lines" means previously existing access lines,
6 including, but not limited to, catheters for intravenous therapy,
7 shunts for dialysis or arterial lines;

8 3. "Invasive procedure" means one in which the patient's bodily
9 tissues are penetrated by a sharp instrument;

10 4. "Needle stick" means an accidental insertion of the sharp
11 point of a needle or other instrument into the body of a health care
12 worker or other individual potentially introducing an infectious
13 substance into that person;

14 5. "Nosocomial infection" means infection contracted by a
15 patient while receiving care in a health care facility;

16 6. "Phlebotomist" or "phlebotomy technician" means an
17 individual who performs phlebotomy procedures;

18 7. "Phlebotomy" or a "phlebotomy procedure" means the clinical
19 procedure performed by a phlebotomist for the purpose of withdrawing
20 blood for clinical laboratory testing;

21 8. "Trauma" means a physical injury that has a lasting psychic
22 or physical effect;

23 9. "Venipuncture" means the insertion of a hollow needle into a
24 vein; and

1 10. "Venipuncture procedure" means a procedure, in phlebotomy,
2 performed for the purpose of withdrawing a sample of venous blood
3 for testing.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 2075 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 An unlicensed person employed for the purpose of withdrawing
8 human blood for test purposes upon specific authorization from a
9 clinical laboratory or a licensed physician and surgeon may perform
10 venipuncture and skin puncture procedures, provided that person has
11 successfully completed an approved phlebotomy certification training
12 program. An approved phlebotomy certification training program must
13 train and certify unlicensed or licensed persons in the proper
14 procedure to be employed in the performance of venipuncture and skin
15 puncture procedures.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 2076 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 A. An unlicensed person entering a health care position in
20 Oklahoma who will perform phlebotomy procedures as outlined in this
21 act must successfully complete an approved phlebotomy certification
22 training program, or must receive a waiver prior to performing
23 phlebotomy procedures on patients and being referred to as a
24 certified phlebotomy technician.

1 B. An unlicensed health care worker currently performing
2 phlebotomy procedures on patients within Oklahoma must satisfy state
3 phlebotomy certification requirements in one of the following ways:

4 1. The unlicensed person has, during the last three (3) years,
5 received documented training equal to or exceeding the standards
6 required in Section 5 of this act, and is called a certified
7 phlebotomy technician and must utilize the training documentation as
8 a waiver of the training requirement in Section 5 of this act; or

9 2. The unlicensed person has not received equivalent training
10 and is granted a grace period of twelve (12) months, during which
11 time the unlicensed person must complete the minimum training
12 requirements and obtain a phlebotomy certification through an
13 approved provider in one of the following ways:

14 a. the unlicensed person may complete the phlebotomy
15 training and certification program of an approved
16 provider, and

17 b. the unlicensed person is permitted to challenge the
18 written examination and the clinical training
19 requirements of an approved provider. The unlicensed
20 person who satisfactorily completes the written
21 examination and clinical evaluation of an approved
22 provider is granted a phlebotomy certification and is
23 called a certified phlebotomy technician.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2077 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Oklahoma State Public Health Laboratory, an office of
5 the State Department of Health, shall administer the provisions of
6 this act. The Oklahoma State Public Health Laboratory must approve
7 providers of phlebotomy certification training programs and must
8 require that the providers follow the training guidelines
9 established in this act prior to issuing a provider number. The
10 Oklahoma State Public Health Laboratory retains the right to audit
11 approved providers, employers and unlicensed persons employed to
12 perform phlebotomy procedures to ensure compliance with standards of
13 phlebotomy certification training programs. To cover administrative
14 expenses, the Oklahoma State Public Health Laboratory may charge
15 phlebotomy certification training program providers no more than
16 Twenty-five Dollars (\$25.00) as an initial application fee and
17 annually as a renewal fee.

18 B. An approved provider of a phlebotomy certification training
19 program must satisfy all of the following requirements and an
20 approved provider must satisfy at least one of the following
21 qualifications:

22 1. Possession of a graduate degree in a scientific field of
23 study of registered nursing or higher and have no less than three
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1 (3) years of experience performing phlebotomy procedures in an
2 inpatient hospital setting within the last ten (10) years; or

3 2. Possession of a graduate degree in a scientific field of
4 study of registered nursing or higher and no less than six (6) years
5 of experience performing phlebotomy procedures in an inpatient
6 hospital setting; or

7 3. Possession of a minimum of six (6) years of phlebotomy
8 experience and at least three (3) years of said experience in a
9 supervisory capacity in an inpatient hospital setting within the
10 last ten (10) years.

11 C. The approved provider must personally supervise and teach
12 the phlebotomy certification training program or may designate a
13 qualified substitute instructor to supervise and instruct the
14 phlebotomy certification program in the absence of the provider.

15 D. The approved provider must instruct the phlebotomy
16 certification training program using the following guidelines: A
17 minimum of ten (10) clock hours of an approved phlebotomy
18 certification training program is acceptable and must include:

19 1. Lecture and instruction with:

- 20 a. pertinent anatomy, physiology and histology,
- 21 b. proper skin-puncture procedure and technique,
- 22 c. proper venipuncture procedure and technique,
- 23 d. post-puncture patient care,
- 24 e. choice of equipment,

- f. common laboratory tests, tubes, additives,
- g. indwelling lines,
- h. infection control and isolation procedures,
- i. hazards and complications,
- j. care of specimen,
- k. documented performance by the unlicensed person of at least three successful venipunctures, and
- l. documented performance by the unlicensed person of at least three successful venipunctures; and

2. Written evaluation with receipt of a passing score of at least eighty percent (80%) on a written examination covering instructed material and consisting of not less than twenty questions.

E. Upon satisfactory completion of phlebotomy certification training program requirements, the approved provider of a phlebotomy certification training program shall issue an original certificate to the unlicensed person and a copy of the certificate to the Oklahoma State Public Health Laboratory stating the following:

1. The approved training program's name and provider number;
2. The name of the unlicensed person certified;
3. The dates of the training period;
4. The date issued; and
5. The signature of the instructor.

1 F. The approved provider of a phlebotomy certification training
2 program must maintain all training records of certified persons for
3 at least five (5) years.

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 2078 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 The employer must retain a copy of the phlebotomy certification,
8 or waiver thereof as described in Section 4 of this act, of an
9 unlicensed health care worker or licensed health care worker
10 requiring phlebotomy certification.

11 SECTION 7. This act shall become effective November 1, 2020.

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